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3622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/091,612

Applicant(s)

TAGSETH ET AL.

Examiner

AFAF AHMED

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-59, 61-65 and 67-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-59, 61-65 and 67-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17 (e), was filed in this application after final rejection. since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17 (e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/06/2011 has been entered.
2. Claims 51 and 69-70 have been amended.
3. Claims 1- 50, 60 and 66 have been canceled.
4. Claims 51-59, 61-65 and 67-70 are currently pending and have been examined.

Response to Applicant's Arguments

5. Applicant's amendments and arguments filed on 12/23/2010 have been fully considered and discussed in the next section. Applicant is reminded that the claims must be given its broadest, reasonable interpretation.
6. With regard to claims 51 and 69 rejection under 35 U.S.C. § 112 second paragraph, Applicant arguments amended the claims. Therefore, claims 51 and 69 rejection under 35 USC § 112 second paragraph is withdrawn.
7. With regard to claims 51-59, 61-65 and 67-70 rejection under 35 U.S.C. § 103 (a), Applicant arguments are considered, but they are moot based on the new ground of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 51-59, 61-64, 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody, US Pub No: 2002/0077964 A1 in view Ehring et al, US Patent No:7,558,748 B2.

Claims 51, 69 and 70:

Brody discloses:

- *receiving, by a computer-based system for customizing an incentive offers, a user formulated search, wherein the user has an associated user profile* (see at least paragraphs 41 and 34);
- *analyzing, by the computer-based system, attributes of a user profile* (see at least paragraphs 34,38 and 44);
- *identifying, by the computer-based system a, plurality of incentive offer contents based on the user formulated search and the attribute of the user profile* (see at least paragraphs 14-15 and 41);
- *filtering by the computer-based system, each summary of the plurality of incentive offer contents from a centralized repository of incentive offers contents, based on the user formulated search and the attributes of the user profile, wherein each summary corresponds to a customized offer for a user* (see at least paragraphs 14, 41, 54 and fig 2 with the associated text); and

Brody does not specifically disclose, but Ehring however discloses:

- *modifying by the computer-based system, at least portion of the plurality of separately contained incentive offer contents based on the attributes of the user profile* (see at least column 17, lines 46-57, column 19, lines 33-67);
- *identifying, by the computer-based system a separately contained incentive offer context based on the attributes of the user profile, wherein the plurality of separately contained offer contents are stored independently from the separately contained incentive offer context* (see at least column 5, lines 39-45, column 6, lines (8-17 and 26-45), and fig 2 with the associated text);

- *combining, by the computer-based system, each separately customized offer with the incentive offer context to create a plurality of user offers and displaying, by the computer-based system, the incentive offer to the user* (see at least column 6, lines 26-45, column 10, lines 60-67 and column 11, lines 1-36);

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the system and method for providing consumers pre-approved offers from a selected group of merchants the ability to separately store content and context of offers as taught by Ehrling, since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination (providing an infrastructure system that is used by advertisers to create their own unique dynamic rules (context) of a plurality of offers (Ehrling, column 7, lines 40-42) were predictable.

Claim 52:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *maintaining, by the computer-based system, the plurality of incentive offer contents, wherein the plurality of incentive offer contents are at least one of created, modified, or deleted within the centralized repository in response to an administrator request* (see at least paragraphs 44 and 47);

Claims 53 and 54:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *authenticating, by the computer-based system, the merchant in response to a request by the merchant to submit an incentive offer to the centralized repository;*
- *limiting access to the merchant to the centralized repository;*

See at least paragraphs 33 and 72;

Claim 55:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *tracking, by the computer-based system, a number of times the incentive offer has been displayed to the user* (see at least paragraph 44);

Claim 56:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *tracking, by the computer-based system, a number of times a class of the incentive offers has been displayed to the user* (see at least paragraphs 44 and 69-70);

Claim 57:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *wherein the incentive offer is displayed via a webpage* (see at least paragraphs 55 and 69);

Claims 58 and 59:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *generating, by the computer-based system, a report describing the incentive offers contained within the centralized repository;*
- *wherein the report describes a number of times the incentive offer has been retrieved;*

See at least paragraph 44 and fig 2 with the associated text;

Claim 61:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *wherein the offer details include at least of an offer identifier, an offer promotion identifier, an offer type, or a definition of offer terms* (see at least paragraph 69);

Claim 62:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *wherein the offer further identifying at least one of a merchant name, a target merchant, a target good, or a target service* (see at least paragraphs 54 and 68);

Claim 63:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *wherein the offer further includes at least one of merchant demographic, merchant type, or geographic location identifier* (see at least paragraphs 52 and 78);

Claim 64:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *wherein the offer further includes at least one of offer category identifier, a target product, or service identifier* (see at least paragraph 68);

Claim 65:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *wherein the offer further includes at least one of a description of terms of the offer, a term length for displaying the offer, a keyword, SKU/UPC information, or customer service telephone number* (see at least paragraph 41);

Claim 67:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *wherein the centralized repository is maintained by an issuer of the user transaction account* (see at least paragraphs 41, 44 and fig 2 with the associated text);

Claim 68:

The combination of Brody/ Ehrling discloses the limitations as shown above.

Brody further teaches:

- *receiving, by the computer-based system, an acceptance of the incentive offer from the user* (see at least paragraphs 16 and 42);

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA
01/28/2011

/Yehdega Retta/
Primary Examiner, Art Unit 3622